

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and Bernard L.
Madoff,

Plaintiff,

v.

SRIONE, LLC, an Idaho limited liability company;
DANCING \$ LLC, a Montana limited liability
company; and ERIC WALDMAN,

Defendants.

Adv. Pro. No. 10-05380 (SMB)

**STIPULATION AND ORDER REFERRING DISCOVERY
DISPUTE TO ARBITRATOR**

WHEREAS, on December 9, 2010, Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et. seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, filed the above-captioned avoidance action against

Srione, LLC; Dancing \$ LLC; and Eric Waldman (the “Defendants,” and together with the Trustee, the “Parties”);

WHEREAS, on October 4, 2016, Judge Bernstein entered an Order Appointing a Discovery Arbitrator Pursuant to Bankruptcy Rule 9019(c) and General Order M-390 (the “October 4, 2016 Order”) appointing the Honorable Frank Maas (ret.) (c/o JAMS, Inc. as Discovery Arbitrator (the “Discovery Arbitrator”) to resolve disputes that may arise and which have been specifically referred to him by the Court with the consent of the Parties;

WHEREAS, on August 29, 2017, the Trustee served his First Set of Requests for Production of Documents, First Set of Interrogatories, and First Set of Requests for Admission to Defendants (collectively, the “Discovery Requests”);

WHEREAS, on October 5, 2017, Defendants served their Responses to the Trustee’s Discovery Requests;

WHEREAS, on December 19, 2017, the Trustee sent a letter to Defendants regarding certain objections and deficiencies in Defendants’ Responses;

WHEREAS, on February 7, 2018, the Parties participated in a meet and confer conference call and exchanged subsequent correspondence; and

WHEREAS, the Parties have conferred in good faith and are unable to resolve their differences.

IT IS THEREFORE MUTUALLY AGREED AND STIPULATED, by and between the Parties, as follows:

1. The Parties agree that the dispute relating to Defendants’ Responses, document production and deposition of Defendant Eric Waldman shall be resolved consistent with the procedures outlined in the October 4, 2016 Order.

2. The Parties agree that within three (3) days of the entry of the order approving this Stipulation, the Trustee will transmit via email a letter summarizing the dispute of no more than three (3) pages, excluding exhibits, to the Discovery Arbitrator, as contemplated in paragraph 7 of the October 4, 2016 Order.

3. The Parties agree that within ten (10) days of the entry of an order approving this Stipulation, Defendants will transmit via email their letter response not to exceed three (3) pages, excluding exhibits, to the Discovery Arbitrator, as contemplated in paragraph 8 of the October 4, 2016 Order.

4. The Parties agree that the Discovery Arbitrator shall thereafter establish procedures for the resolution of the dispute, as contemplated in paragraph 8 of the October 4, 2016 Order.

5. Except as expressly set forth herein, the Parties to this Stipulation reserve all rights and defenses they may have.

6. During the period of this referral, the Parties agree to stay the May 25, 2018 deadline to conclude fact discovery and enter into a new Case Management Notice upon conclusion of the referral.

Dated: April 20, 2018

Of Counsel:

BAKER & HOSTETLER LLP

811 Main Street, Suite 1100
Houston, Texas 77002
Telephone: (713) 751-1600
Facsimile: (713) 751-1717
Dean D. Hunt
Email: dhunt@bakerlaw.com

/s/ Keith Murphy

David J. Sheehan
Email: dsheehan@bakerlaw.com
Keith Murphy
Email: kmurphy@bakerlaw.com
BAKER & HOSTETLER LLP
45 Rockefeller Plaza
New York, New York 10111
Telephone: 212.589.4200
Fax: 212.589.4201

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Estate of Bernard L. Madoff*

By: /s/ Stephen M. Goldstein

Stephen M. Goldstein
Email: sgoldlaw@gmail.com
Law Offices of Stephen Goldstein
225 West 106th Street, 9G
New York, New York 10025
Telephone: 888.235.4279
Fax: 888.235.4279

Attorney for Defendants

SO ORDERED

**Dated: April 20, 2018
New York, New York**

/s/ STUART M. BERNSTEIN
HON. STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE